



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**

MINUTES  
of  
BOARD MEETING  
Held on  
November 15, 2011

Meeting Location: MassDEP Central Regional Office  
627 Main Street  
Worcester, MA

Prepared by: T. Wood  
[Approved: January 24, 2012]

**List of Documents Used at the Meeting:**

1. Agenda
  2. Draft Minutes of Meeting held on September 15, 2011
  3. Application Dockets
  4. Renewal Dockets
  5. Copy of 940 CMR 29.10 regulations regarding remote participation at public meetings
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1. **Call to Order:** Elizabeth Callahan called the meeting to order at 2:26 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Jack Guswa, Debra Listernick, Robert Luhrs and Farooq Siddique. Board members absent: Christophe Henry and Kelley Race. The LSP Board staff members present were Lynn Read, Beverly Roby, Al Wyman and Terry Wood. Also present was Wendy Rundle, the Executive Director of the LSP Association (LSPA), and Wes Stimpson.
  2. **Announcements:** There were no announcements.
  3. **Agenda:** Ms. Wood asked that an item –13. D. Vote Regarding Remote Participation be added as item D. under ‘13. Other Business’. The Board members agreed to follow the agenda as amended.
  4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on September 15, 2011. **A motion was made and seconded to approve the draft minutes. The motion was approved unanimously.**

5. **Decisions Regarding Licensing of Applicants:** The staff presented the following Application Dockets:

New Application Docket Number 1:

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
<b>1647</b>	<b>Cheryl R. Montgomery/ C.R. Montgomery &amp; Associates</b>	<b>236</b>	<b>D</b>

A motion was made and seconded to accept the recommendation from Application Review Panel #236, i.e., that the application submitted by Ms. Montgomery be denied and that she be found ineligible to take the exam. The motion was approved unanimously.

New Application Docket Number 2:

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
<b>1796</b>	<b>Kelly J. McQueeney/Harvard University</b>	<b>240</b>	<b>A</b>
<b>2591</b>	<b>Leonard V. Rappoli/Clean Properties, Inc.</b>	<b>240</b>	<b>A</b>

Ms. Farnsworth and Ms. Listernick were recused and left the room.  
A motion was made and seconded to accept the recommendations from Application Review Panels #240, i.e., that the applications submitted by Ms. McQueeney and Mr. Rappoli be approved and that they be found eligible to take the exam. The motion was approved unanimously.

6. **License Renewal Applications:**

A. **Renewal Dockets.** The staff presented the following License Renewal Dockets:

**Renewal Docket #1**

**Renewal Date: July 30, 2011**

**New Renewal Date: July 30, 2014**

Completed requirements within 90-day extension:

LSP #	First	Middle	Last
9894	Beverly	S	Auxford-Paiva
9635	Robert	M	Cataldo
9988	Luke	A	Fabbri
6421	Stephen	J	Graham
7610	Kevin	J	Kavanaugh
7747	Richard	J	Sarnelli
8316	Mark	A	Worthington
6572	Peter	J	Zeeb

**Renewal Docket #2**

**Renewal Date: October 30, 2011**

**New Renewal Date: October 30, 2014**

Has completed all requirements for renewal:

LSP #	Last Name	First Name
4589	Arps	Jeffrey
3926	Bricher	Michael
7394	Daley	James
6493	DeChaves	Peter
9490	Duffield	Thomas
4108	Macintire	Samuel
8881	Simpson	Eric
3661	Smith	Spencer
9143	Smyth	Andrew
7713	Snow	Brian

**Renewal Docket #3**

**Renewal Date: October 30, 2011**

**New Renewal Date: January 28, 2012**

Has requested a 90-day extension:

LSP #	LSP Name
2516	Nelson, Eric G.

**Renewal Docket #4**

**Renewal Date: October 30, 2014**

Completed Renewal Requirements within 1-year Expiration Period

1. Kelly Hansel #8467

**7. Other Licensing-Related Matters:**

**A. New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel #241: Ms. Listernick, Ms. Callahan and Mr. Luhrs.

**B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

**C. Inactive Status Report.** The staff reported that the following LSPs were placed on Inactive Status since the last meeting:

- Glenn Goral (#8762) as of 9/13/11
- Maria Pinaud(#9198) as of c.o.b. 10/18/11

The staff reported that the following LSPs returned to active status since the last meeting:

- Robert Warren (#7613) as of 10/14/11

The staff reported that a total of 8 LSPs are currently on Inactive Status.

**D. Total Number of Active LSPs.** The staff reported that the total number of Active LSPs as of the date of this meeting was 536.

**8. Examinations:**

**A. Date of Next Exam.** The staff reported that the dates of the next administration of the exam will be November 30, December 7 and December 14.

**B. Discussion re: reconvening exam subcommittee.** The Board members set a target of April 2012 to reconvene the exam subcommittee. Ms. Rundle stated that the technical practices group of the LSPA would also aim to have a new case study completed by April 2012 as well.

9. **Continuing Education Committee Report:**

A. **Course and Conference Approval Requests.** Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: ECS

Course Title: Reading the Post-Glacial Landscape

Credits Requested: 4 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: ECS

Course Title: Pioneer Valley's Post-Glacial Landscape

Credits Requested: 8 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: MassDEP

Course Title: Strategies for Tackling Brownfield Redevelopment Challenges

Credits Requested: 2 DEP Regulatory Credits

Committee Recommendation: **Approve.**

Sponsor: LSPA

Course Title: Monitoring and Remediation Optimization Software

Credits Requested: 8 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: NSCI

Course Title: Northeast Private Well Symposium

Credits Requested: 1:2 Conference Technical Credits

Committee Recommendation: **Approve.**

Sponsor: MassDEP

Course Title: The MCP Audit 2011/2012 – A Case Study Approach

Credits Requested: 4 DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: Environmental Business Council

Course Title: Sub-slab Mitigation Systems for Vapor Intrusion

Credits Requested: 2 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: LSPA

Course Title: Potential False Positives in Volatile Petroleum Hydrocarbons (VPH) Analytical Methods: The Effect of Non-Target Compounds on MCP Decision-making

Credits Requested: 1 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

**A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.**

**B. Other Business**

**1. Question from LSPA regarding two LSPs who were late to a course.** On September 23, 2011, Wendy Rundle, the LSPA's Executive Director, inquired of the LSP Board staff regarding the denial of credits to two LSPs who were late to a recent course. She stated that two LSPs were late to the Downgradient Property Status course held on September 14, 2011 due to traffic. The LSPA had delayed the start of the course because several people experienced traffic issues that day but these two LSPs arrived after the delayed start. These two LSPs did not request credit for the course but did stay for the course as well as for the question and answer period that followed so completed two or more hours of face time with the course presenters. The LSPA wanted to confirm that they were correct to deny credit. The Board's regulations state that an LSP must attend the entirety of a course that is four hours or less to receive any credit. The Committee recommended that the Board not offer credit to these two LSPs. **After discussion a motion was made and seconded, to accept the Committee's recommendation. The motion passed with a vote of seven (Batchelder, Callahan, Farnsworth, Franklin, Guswa, Listernick, and Siddique) to one (Luhrs).**

**2. Waiver Request from David Bennett.** Mr. Bennett requested a waiver of the Board's regulation that requires 100 percent attendance at a course that is four hours or less in length for an LSP to receive any credit. Mr. Bennett arrived forty minutes late to 4-hour course #1352 ('Method 3 Short Forms') and requested three credits for the course. He stated that he was late due to flooding on the Mid-Cape Highway. The Committee was split on a vote of 4 to 4 whether to approve the waiver. **After discussion a motion was made and seconded to grant the waiver request. The vote was four in favor (Batchelder, Callahan, Farnsworth, and Franklin) to four opposed (Guswa, Listernick, Luhrs and Siddique). 309 CMR 2.12 requires a majority of the Board to approve a waiver petition so the petition did not pass.**

10. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.
11. **Personnel, Budget, and Fees**
  - A. **Fees.** Ms. Wood reported that the staff would be sending out the annual fee notices in January 2012.
12. **Status of Board Member Replacements by Governor:** Ms. Wood stated that there had been no progress toward filling the labor slot. The Board members discussed the possibility of having the a person in one of the other environment-related state agencies. The Board asked the staff to explore this possibility.
13. **Other Business**
  - A. **Update from LSP Course Subcommittee.** The members of the subcommittee in attendance (Ms. Batchelder, Mr. Guswa and Ms. Wood) reported that they presented the LSP Disciplinary Workshop course at the UMass Soils Conference on October 19, 2011 to a group of approximately thirty people. The subcommittee discussed offering this same course one additional time next spring.
  - B. **Discussion regarding potential regulatory changes.** The Board had requested at the previous meeting that the staff prepare a list of potential regulatory changes. MS. Wood stated the she had started to compile a list but did not have time to complete it.
  - C. **Topic for the next LSP News.** Ms. Rundle suggested the Board write an article regarding the LSP exam. She stated that the deadline for the article is the end of December.
  - D. **Vote Regarding New Remote Participation Regulations**

Ms. Wood stated that the Attorney General has recently promulgated new regulations (940 CMR 29.10) regarding remote participation at public meetings of public bodies. She included a copy of the new regulations in the packet for today's meeting. She stated that the regulations require that state public bodies vote by a simple majority "to allow remote participation in accordance with the requirements of that public body and its committees." The regulations also state that the public body shall determine what methods for remote participation are acceptable. After discussion, a motion was made and seconded to allow remote participation at public meetings in accordance with the new regulations and to allow the acceptable methods as described in the regulations. The motion passed unanimously.
14. **Scheduling of Next Meeting:** The Board plans to meet on January 24, 2012 at MassDEP's Northeast Regional Office.

15. **Adjournment:** The meeting was adjourned at 3:06 p.m.